

REMARKS

Claims 1-5 and 11-15 have been amended. Claims 1-31 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 7-10, 17-20, and 22-25 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The applicants respectfully traverse.

The Examiner asserts that the claims are not enabled because "obtaining temperature differences between the two images must be in the same domain for enablement." Why? The Examiner has not provided any basis for this conclusion, and has not shown that a person of ordinary skill in the art would not have known how to make or use the invention as claimed in claims 7-10, 17-20, and 22-25 without undue experimentation.

In order to show lack of enablement, the Examiner must show that one reasonably skilled in the art could not have made or used the invention from the disclosures in the patent coupled with information known in the art without undue experimentation. See MPEP § 2164.01 and the cases cited therein. Here, the Examiner characterizes the claims as a "process of comparing/determining temperature difference between a DC image (transform domain) and a decoded image (pixel domain)," and then asserts that "obtaining temperature differences between the two images must be in the same domain for enablement." However, the Examiner has not provided the basis for this assertion. Indeed, the Examiner appears to misconstrue the claims. For example, claim 7 recites, in part, wherein the application color temperature determination section

"receives a decoded current frame from the decoder, estimates the color temperature from the decoded current frame, calculates a second color temperature difference between the estimated color temperature of the DC video image of the current frame and the estimated color temperature of the decoded current frame, and compares the second color temperature difference with a predetermined second critical value in response to the first color temperature difference being larger than the first critical value."

What is being calculated is a difference between two color temperatures. One color temperature is estimated based on the decoded current frame, and the other color temperature is estimated based on the DC video image of the current frame. The specification shows

examples of how such calculations may be made at paragraphs 46 and 47. The specification here clearly shows how to calculate the two color temperatures and obtain the difference between them. A person of ordinary skill in the art would not require undue experimentation to obtain these two color temperatures, and the Examiner has presented no evidence that such undue experimentation would be required.

With respect to the "different domains" asserted by the Examiner, the Examiner has not explained why different domains are relevant, or how the Examiner is using the term. It is possible that the Examiner believes that the two values being compared do not have the same unit of measurement (e.g., obtaining a difference between pounds and inches.) If this is the case, the applicants note that both color temperatures being compared are in degrees Kelvin, as indicated in paragraph 2 of the specification.

The specification at paragraphs 46 and 47 (the applicants do not concede that these paragraphs are the only relevant paragraphs) explains how to make and use the invention. The Examiner has not presented any evidence that undue experimentation would be required, other than a conclusory statement lacking any explanation as to relevancy. Accordingly, the applicants submit that claims 7-10, 17-20, and 22-25 satisfy the enablement requirement of 35 U.S.C. § 112, and the rejection of the claims should be withdrawn.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1, 2, 5, 11, 12, 15, 21, 30, and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Liu et al. (U.S. Patent 6,959,042) in view of Applicant Admitted Prior Art (AAPA). The applicants respectfully traverse.

The Examiner's proposed combination of Liu and AAPA does not disclose or suggest all of the limitations of claim 1. For example, the proposed combination does not disclose or suggest "a color temperature estimation section to ... estimate the color temperature of the compressed video image from the color temperature of the DC video image" or "a color temperature change unit to determine the estimated color temperature of the compressed video image or a color temperature of the decoded original video image as an application color temperature according to whether the compressed video image is a moving video image, and change the color temperature of the decoded original video image in accordance with the application color temperature and a color temperature preferred by a user," as recited in claim 1.

The Examiner asserts that Liu discloses these limitations. The applicants respectfully traverse.

Liu discloses a system and method of generating compression statistics without completely decoding the compressed video data (col. 7, lines 20-25). These statistics can be used to detect scene changes or fades/dissolves. In addition, the statistics may include a number of bits per picture, a change in bit rate, quantization step size, picture complexity, picture type, number of non-zero DCT coefficients, cue-tone, and change in picture resolution (col. 7, lines 42-27). In one method, DC components of DCT coefficients are extracted from a macroblock (col. 10, lines 54-56), which is a portion of a video frame (col. 4, lines 64-66). The coefficients can be used for scene change detection, and the average value of the DC component can be used to determine an average brightness of the picture (col. 10, lines 60-65).

Liu does not, however, disclose estimating a color temperature and, as such, cannot disclose performing any operations involving an estimated color temperature. The Examiner cites to the method shown in FIG. 9, but this method only addresses determining DC components of DCT coefficients for use in scene detection or determining an average brightness, not estimating a color temperature. Indeed, Liu does not address color temperature anywhere in the reference. Liu therefore cannot disclose a color temperature estimation unit or a color temperature change unit as recited in the claim.

The Examiner also asserts that the applicant has admitted to changing color temperature preferred by a user. Even if the Examiner's interpretation of the cited paragraphs is correct (and the applicants do not concede that the Examiner's interpretation of the cited paragraph is prior art or constitutes admitted prior art), the alleged disclosure does not remedy the deficiencies of Liu. Accordingly, the combination of Liu and the allegedly admitted prior art does not disclose or suggest all of the limitations of claim 1, and the rejection of claim 1 should be withdrawn.

The rejection of claim 11 should be withdrawn for at least the reasons given above with respect to claim 1. In addition, the Examiner asserts that paragraphs 10 and 11 of the specification contain admitted prior art. Paragraphs 10 and 11 do not contain prior art. The applicants do **not** concede that the disclosure in paragraphs 10 and 11 of the specification is admitted prior art. Paragraphs 10 and 11 are contained in the "Summary of the Invention" section, and both paragraphs begin with the phrase "the present invention provides..." The location the paragraphs in the specification together with the paragraphs' phrasing make clear that what is being referred to is aspects of the applicants' invention, not the prior art. As such,

the disclosure in paragraphs 10 and 11 is not prior art and the Examiner's reliance on paragraphs 10 and 11 is improper.

Claims 2, 5, 12, 15, 21, 30, and 31 depend from one of the corresponding claims 1 and 11. The rejection of these dependent claims should be withdrawn for at least the reasons given above with respect to the claims from which they depend.

Claims 3, 4, 6-10, 13, 14, 16-20, and 22-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Liu et al. (U.S. Patent 6,959,042) in view of Applicant Admitted Prior Art (AAPA), and further in view of Wee et al. (U.S. Patent 6,104,441). Claims 3, 4, 6-10, 13, 14, 16-20, and 22-29 depend from one of the corresponding claims 1 and 11. The combination of Liu and the allegedly admitted prior art does not disclose or suggest all of the limitations of claims 1 and 11 for the reasons given above, and Wee does not remedy these deficiencies. Again, nowhere does Wee disclose color temperature. Accordingly, the combination of Liu and Wee does not disclose or suggest all of the limitations of these dependent claims, and the rejection of these claims should be withdrawn.

In addition, with respect to claims 10, 20, 24, 25, 28, and 29, the Examiner asserts that paragraph 5 of the specification admits that the critical values may be 200 degrees Kelvin. The cited paragraph does not disclose a critical value and does not disclose that such a critical value may be 200 degrees Kelvin. As such, the applicants do not concede that a critical value of 200 degrees Kelvin is admitted prior art.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN MCEWEN, LLP

Date: 6/29/09

By: G. L. Clinton

Gregory L. Clinton
Registration No. 59,134

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510